

PATENT

Docket No: 2173-4008

Applicant respectfully submits that for a restriction requirement to be proper, MPEP §803, is clear that "there are two criteria for restriction between patentably distinct inventions" as follows:

- “(1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required” (emphasis added)

Applicant respectfully submits that: all species of restricted claims are properly presented in the same application; undue diverse searching would not be required; and all claims should be examined together. Accordingly, examination of the claims of Species II- VI, in addition to the claims of Species I, would place no additional "serious" burden on the Examiner as examination of the claims of Species II-VI would not require undue diverse searching beyond that which would be necessary for examination of the claims of Species I.

Applicant respectfully submits that the claims of Species II-VI should be examined on the merits as well.

For the foregoing reasons, it is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully requested.

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AUTHORIZATION

No fees are believed necessary in connection with this response. While Applicant believes no extension of time to be necessary for this response, should an extension of time be required, such extension is respectfully petitioned. The Commissioner is authorized to charge any fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 2173-4008.

Respectfully submitted,

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Dated: February 22, 2006By: 

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